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TO: Examiner Michael Brown**DATE:** March 24, 2000**COMPANY:** USPTO**CLIENT:** 0383311-0089**FAX:** (703) 305-3590**PAGES:** 4 (Including Cover Page)**FROM:** Elizabeth Nugent**PHONE:** (617) 248-5000**RE:** U.S.S.N. 09/086,508

MESSAGE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Johanson, *et al.* Examiner: M. Brown
Serial No.: 09/086,508 Art Unit: 3764
Filing Date: May 28, 1998 Attorney Docket: 0383311-0089
Title: BONE ANCHOR AND DEPLOYMENT DEVICE THEREFOR

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

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RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. §1.111

This **Response to Office Action** is filed in response to the Office Action mailed October 13, 1999, rejecting claims 1-6 and 10-21 and allowing claims 25-28. The sole cited reference is U.S. Patent No. 4,012,984 to Matuschek. The following remarks remove all grounds for rejection of the application, thereby placing it in condition for allowance.

Remarks**Rejections under 35 U.S.C. 102(b)**

Claims 1-6 and 10-21 stand rejected under 35 U.S.C. 102(b) over Matuschek. As explained in the Response to Office Action filed July 29, 1999, the washer of the present invention "floats," that is, it is capable of both longitudinal motion and limited angular motion (see, e.g., page 9, lines 26-28). The Examiner states that "no weight was given to whether the washer could be moved longitudinal or limited angular rotation relative to the head of the rivet. The movement of the washer is a functional limitations that provide no additional novelty to the invention."

The longitudinal and angular rotation of the washer is a structural, not a functional, limitation of the pending claims. The central bore of the washer must be large enough (and appropriately shaped) so that it is capable of limited angular motion. This structural feature